# UNDERSTANDING THE RESEARCH-POLICY INTERFACE: AN ANALYSIS OF THE BELGIAN DEBATE ON CANNABIS POLICY (1996 – 2003)

International Society for the Study of Drug Policy (ISSDP)
Canterbury, UK, 30-31 May 2012

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## 1 Introduction

Expectations about the interface between scientific research and policy formulation have been consolidated under the banner of *'evidence-based policy'* (Hoppe, 1999). It proposes that policy makers should be informed by scientists and other drug experts, so that policy will reflect accurate factual knowledge of e.g. drug effects and risks rather than political biases. However, the main problem with this account is that it fails to engage with the complex relationship between policy and science in a meaningful manner, with scientific research just being one of the many sources of knowledge used by policy makers (Hughes, 2007; Stevens, 2011; Monaghan, 2011).

Carol Weiss, a prominent author in the field of knowledge utilization, identified several meanings of use (or models of research utilization) in her work on knowledge utilization and decision making (Weiss, 1979). She believes that the utilization of the social sciences in policy is a highly complex phenomenon that can be perceived in an enormous diversity of ways. In her typology there are three primary ways in which research is used: instrumentally, politically/symbolically and conceptually.

The *instrumental view* is akin to the 'knowledge-driven model' as well as the 'problem-solving model' where research gives direction to policy, and research findings lead to action. This represents the typical understanding, a rather static view, of the research-policy nexus but it is arguably the most uncommon use of research. This model ignores that research utilization may also involve issues of (political) power and media imperatives. For a study to have a direct bearing on policy, it takes an 'extraordinary concatenation of circumstances' (Monaghan, 2011).

In *political/tactical utilization*, research is used to support or justify pre-existing preferences or actions or to justify delay. In other words, when knowledge is used for political-strategic (or symbolic) reasons, the goal is to enhance the position of politicians in decision-making (Huston, 2008). For instance, it can be used to silence the arguments of the opposition or to support ideas that the decision-makers have adopted earlier (Lampinen, 1992). It has primarily a legitimation function and offers proof of responsiveness. Although the political/tactical model determines the ways in which evidence is (or is not) selected in policy decision-making, its underpinning is still linear (i.e. use of research is rational when powerful groups use it to further their own interests) and offers a static, short-term view of the policy making process (Monaghan, 2009). It tends to focus on the policy makers and not on other groups who may also be able to influence policy (Stevens, 2007).

The *conceptual use* of research is also termed "enlightenment". In this delayed and indirect research usage, research contributes to the percolation of new ideas and concepts which over time become "common knowledge" and contribute to the overall knowledge endeavour rather than one specific policy

decision. Thus, it offers a more dynamic perspective of the research-policy nexus and it also emphasises how research can be conceived as part of the process of policy-making (e.g. in definitions of social problems): (1) it may turn non-problems into policy problems or (2) research can turn a pressing problem into a problem of less consequence/attention.

Some authors have recently argued that the theoretical models of research utilization, mentioned above, are inadequate grounds to conceptualize the evidence and policy relationships in heavily politicized policy areas (e.g. drug policy) as they are too abstract and have a narrow understanding of the nexus (Monaghan, 2009; Stevens, 2011). In particular, the existing models do not take into account the emergence of new data and the mechanisms through which research is selected for use in policy. In other words, they may help to describe the relationship but they are less capable to explain why and how this nexus occurs. As a result, newer models are advocated: the evolutionary model and the processual model.

Unlike the political/tactical model, the *evolutionary model* tends to focus not only on the policy makers but also on the social structure as important in supporting selection in the use of evidence. In the evolutionary approach, some evidence may fit the interests of the powerful groups, other may not. In other words, there is a survival of the evidence that fit. Arguments and processes of evidence selection are rather rational as it is the social structure which explains the relative power of some groups (Stevens, 2007). Similar with the enlightenment model, the evolutionary model has an understanding of the relationship where evidence plays a role in the process of decision-making and not just in the outcome of policy formulation. Furthermore, although in contrast with the enlightenment model, it offers an analysis of the power relationships in the policy making process, taking into account findings or recommendations that have been produced by academics, journalists, think tanks, pressure groups or others.

Another model is tentatively advocated by Monaghan (2009). The *processual model* views the nature of policy making as a process. Although evidence may not necessarily be translated into policy outcomes, it does constitute a significant aspect of the decision making process (Monaghan, 2009). As this model accepts that evidence is not the only factor in the policy making process and that the policy process is characterized by ad hoc, back and forth decision making, the model can be thought of as related to the enlightenment model.

Drawing on these models of knowledge utilization, the next section will describe the case which will be used to illustrate the role of scientific knowledge in the various phases of the development (and implementation) of the Belgian cannabis policy.

## 2 The case-study

The basic Belgian law relating to the traffic in toxic substances, hypnotics, narcotics, disinfectants and antiseptics dates from 24 January 1921. The law focused on penal sanctions and paid no attention to the drug users themselves. The criminalization of drugs and drug possession was a direct result of international developments (Guillain, 2003). Like several other countries, Belgium ratified the International Opium Convention in 1912 because of the moral value inherent in this international commitment and the importance of being associated with it. For several years, the Law of 24 February 1921, had been an efficient instrument to struggle against drug trafficking and drug addiction. However, the internationalisation of the production of drugs continued to grow (De Ruyver, e.a., 2000). As a result, several multilateral drug control treaties of the UN were established (1961, 1971, 1988).

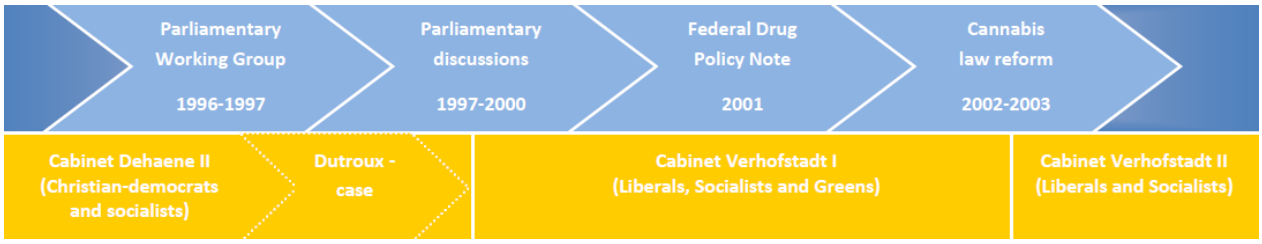
In Belgium, larger drugs seizures and a rising tide of convictions for drug-related behaviours were witnessed during the 1960s and 1970s. As a result, the media increasingly reported about the surprising rise in drug use among the population (De Ruyver, 1988). The approach of the drug phenomenon in the political debate as well as in the media became very emotional. It was acknowledged that scientific knowledge was fallible and scientific input into the policy making process received less attention (De Ruyver, 1988). Except for some small modifications (i.e. penalizing some new products like LSD or amphetamines), nothing changed in the Belgian legislative, prosecution or policy framework between 1921 and 1975. However, due to an increasing fear for an uncontrollable drug epidemic and due to Belgium's ratification of the United Nations Single Convention on Narcotic Drugs (New York, 1961) as well as the United Nations Convention on Psychotropic Substances (Vienna, 1971), Belgian policy makers decided to implement a more severe legislative framework in the 1970s (Todts, 2004). The basic Belgian law of 1921 was modified by the Law of 9 July 1975.

While the drug issue entered the legislative framework at the beginning of the 20th century, the foundations of the Belgian drug policy were laid in the second half of the 1990's. Drug use became more visible in certain youth cultures and there was an increasing political pressure for a sound drug policy caused by the intensification of the supply of both legal and illegal drugs (in quantity as well as variety), an increasing mobility of the demand side, and the increase in social breeding grounds for problematic drug use in cities. Gradually, the theme 'drugs' entered the political agenda from a variety of perspectives (e.g. health, safety and crime prevention, repression, and welfare). Eventually, the policy window was opened by a MP of the French-speaking socialist party (PS). In particular, MP Patrick Moriau emphasized publicly in the newspaper 'Le Soir' (November 17$^{th}$ 1995) that he would submit a proposal to legalize cannabis possession (in contrast with the current repressive Belgian law). Although it was only a threat (he did not submit his proposition), this event actuated the political and parliamentary debate on drugs in Belgium. As a result of the commotion regarding the proposition and in order to develop a clear and timely view on all

aspects of the drug phenomenon and the drug problem, the federal parliament took the initiative to establish a Parliamentary Working Group. The working group focused on the study of the complexity and multidisciplinary of the drug phenomenon and the determination of the future orientation of the Belgian drug policy. Members of the Parliamentary Working Group relied on several experts to get an idea of scientific findings regarding the drug phenomenon. Eventually, it took until 2001 for the Belgian government to further elaborate the principles and recommendations of the Parliamentary Working Group and to establish the "first national drug strategy". With this note, a drug policy with a purely criminal focus was 'officially' replaced by a *normalization policy* where the drug problem was considered primarily as a *problem of public health*.

Next to topics such as drug epidemiology, prescription and substitution of methadone and/or heroin, prison policy, international drug production and traffic, a large part of the discussion in the Parliamentary Working Group concerned the legitimacy of the criminalization of drugs (Kaminski, 2003). Similar to the evolution in various European countries towards more tolerant policies regarding cannabis possession (e.g. Switzerland, Spain, the UK), a debate on a change of cannabis policy sparked off in Belgium. This particular debate, initiated in 1996 with the implementation of a Parliamentary Working Group on Drugs and revitalized in 2001 by means of the first national drug strategy, focused on what is called the *de facto depenalisation* of cannabis possession. Lengthy and difficult debates and interactions between parliamentary members, researchers, the media and the members of the public followed. At the end, as part of the implementation of the 2001 national drug strategy, a new drug legislation was endorsed in Belgium (2003) which *de facto* depenalized the possession of cannabis for personal use.

**Scheme: Timeline Belgian drug policy (1996-2003)**




Using the development (and implementation) of the Belgian cannabis policy (1996-2003) as a case study, this paper will not pay attention to the other elements of the Belgian drug policy (e.g. prescription and substitution of methadone and/or heroin). Instead, we will provide reflections on the contribution of (scientific) research in this particular part of the debate. How did parliamentary members and members of the government support their ideas and which arguments did they use in rethinking prohibition? Given the intense media scrutiny and the large number of competing political parties and their divergent interests in the cannabis policy, scientific knowledge may become elements in value-based policy arguments echoed

in the debate (Ritter, 2010; Room, 2005; Fitzgerald, 2005). Apart from the knowledge producers (academic worlds) and knowledge consumers (decision community), we acknowledge that the media too may play an important role in the interaction between science and policy. The role of the media in seeking access to policy and influencing policy will be discussed in a separate paragraph.

Until now, data is gathered through the analysis of parliamentary documents. In a following phase we will conduct an analysis of media documents as well as interviews with several key informants from the Belgian cannabis policy arena. Individuals (policy makers, scientists and journalists) will be selected on the basis of the document analysis.

## 3 The contribution of scientific knowledge

There has obviously been a contribution of scientific knowledge in the cannabis policy debate between 1996-2003. Examination of the extent to which scientific knowledge was referenced within questions, hearings and policy reports suggested strong utilization. It appeared that scientific knowledge was actively taken up by researchers themselves but also by field workers, interest groups, MPs and members of the government. However, although scientific knowledge has played a role, it was often a subordinate one to other, more salient factors. Knowledge utilization studies already emphasized that policy results form a complex process in which multiple factors interact. Weiss (1995) described three categories of factors: ideology, interests and information. Similarly, as Kingdon (2002) pointed out, policy making involves a complicated, almost subjective, calculus that weighs a number of competing factors including values, career aspirations, etc. In our case, we can certainly say that scientific knowledge competed with other information (e.g. personal experiences) as well as with ideology. Detailing these types of contributions will demonstrate how scientific knowledge interacts with the policy debate on a significant issue like cannabis policy.

### *3.1 Parliamentary Working group on drugs (1996-1997)*

At the time of the Parliamentary Working Group on drugs (1996-1997), scientific drug research was rather scarce in Belgium. This uncertainty can be seen as the enemy of policy making. Elvins (2003) stressed that whether policy makers turn to science depends on the level of uncertainty about an issue area. If one is unsure of what the real problem is, and one cannot predict the effects of these actions, then one would not get anything done. Scientific knowledge, then, may be used to reduce uncertainty, such as by resolving confusion or misunderstandings, increasing credibility, etc.

Through a bottom-up approach, the Parliamentary Working Group aimed at translating the needs and aspirations of 59 experts into useful policy recommendations. National and international experts, working

in various domains of the drug field (epidemiology, prevention, treatment, social sector, repression, policy) were asked to convey their analysis and their recommendations. We observed that 'experts' whose discourse was widely perceived as true, included 'scientists' (as well as international experts) and practitioners working with or against drug users. Often, field workers had a better sense of crucial real-world information that scientists did not fully appreciate (Bogenschneider & Corbett, 2010). Also interest groups of ex-users and members of the government were included here. Experts were clearly influential in setting the political agenda by creating common problem definitions (Weiss, 1979). In other words, **scientific knowledge did *'enlighten'* the policy debate**: it contributed to the percolation of new ideas and concepts and a substantial body of knowledge regarding the development of the Belgian drug policy.

If we zoom in on the discussion regarding cannabis policy, experts agreed on the failure of a total prohibition, applied by the Laws of 1921 and 1975 and inspired by the 'war on drugs' of the United States. However, there was no general agreement on which approach (decriminalisation, depenalisation) was best suited when taking into account the international UN treaties that prohibit the legalisation of cannabis production, sale and use. The debate fluctuated between extreme positions; it can be seen lying on a continuum with prohibition and legalisation at the extremes, where decriminalisation and depenalisation were situated somewhere in between. The cannabis debate focusing on the widespread use of cannabis, culturally confusing messages about its acceptability or harmfulness, policy options like legalisation and decriminalisation, risks or medical benefits of cannabis, etc. reflected a long and often controversial story. Within this Parliamentary Working Group, scientific experts often used propositional assumptions (i.e. assumptions about what is or can be or will be the case; 'truth') and active verbs without any references in assuming to possess 'truth'. For instance, *'cannabis use leads to...'*, *'it is determined that 90% of the drug addicts…'*, *'poly drug use increased'*, *'the war against drugs caused a lot of suffering'*, *'50% of our youngsters has experimented with drugs'*. A particular factual claim is regarded as 'true' not because it accurately reflects what is out there, but because it has been certified as 'true' by those who are considered competent to pass upon the truth and falsity of that kind of claim (Jasanoff, 1990). Field workers more often referred to scientific knowledge: e.g. in search of a definition, to find support for a policy option or to refer to some (scientific) results of a study conducted by another expert. They also pointed at practice-based research as it is closely linked with their field of knowledge. This type of research does not meet the traditional scientific research standards. Instead, it rather meets standards relating to its usefulness in practice. Representatives of the government attached importance to (foreign) scientific knowledge and experts from international organizations like the European Commission and the Council of Europe. Members of interest groups (e.g. former or actual drug users) usually referred to their own experiences (by means of examples) and to a lesser extent to scientific expertise or field workers. In general, bibliographic information regarding scientific research was often not included. In most cases, scientific research was presented without naming the author or institutions (*'research shows'*, *'research*

*confirms'*, *'some authors mention'*, *'the literature shows'*, etc). Of course, this presentation does not allow any judging of the quality and scope of the research used.

Still, the interpretation of some evidence can be contested. We distinguished several forms of misuse of science by experts (even scientists). According to Boland (2008), we must be cautious with the accuracy of official data as it can be statistically dubious or politically manipulated. Anyone may use whatever data are at hand to support their case, regardless of the methodological purity by which it has been developed. In the Parliamentary Working Group, some scientists neglected the main principles of scientific research by using ambiguous terminologies (e.g. a comparison of percentage users of hashish and percentage of users of cannabis was made). Neglecting statistical significance in studying the relationship between cannabis use and school absenteeism was an additional problem. For instance, a scientist declared 'W*e found that truant youth use twice as many illegal drugs*' while the original source included that *'non statistical significant numbers show that 28,5% of truant youth ever used cannabis'*. In another example, several studies, using different methodologies, were compared. For instance, a scientist compared an opinion poll of a newspaper to a population survey among youth in order to get some valuable and comparable results. He mentioned that *'a school population survey can be compared to the opinion survey carried out by the newspaper Le Soir in 1980 as this research was set up in a similar method'.* Also scientists sometimes neglect their principles of (objective) scientific knowledge. For instance, it was stated by a scientist: *'These numbers are the result of a methodological approach that is not really satisfactory from a scientific point of view. Nevertheless, they show that the use of multiple illicit substances has increased'.* Furthermore, juggling with numbers or scientific results was a common practice. Scientific results were distorted in several ways, which were often very subtle: e.g. blunt interpretations, false generalizations and causalities, etc. were made. For instance, a scientist stated: '*surveys show that 20% of young students between 12 and 18 years in the Brussels Region uses illegal drugs. Assuming that most users are adults between 18 and 45 years old, it is therefore appropriate to double 20% to 40%. In this way one may conclude that at least 40% of the population of the Brussels Region smoke cannabis*'. Another scientist made a false interpretation regarding poly drug use. In particular, he mentioned that *'90% of drug addicts uses several substances'* while the original research included that *'90% of the daily heroin users are poly drug users'*. This misuse of evidence may fuel clear misconceptions about the debate. Equally, we can refer to the terminological confusion related to the comparison with the Dutch drug policy. Cannabis is not legalized in the Netherlands, as opposed to what was frequently argued. Although participants were aware of the Dutch situation, even members of the government (consciously) made wrong interpretations in order to find some support of their opinion in the Parliamentary Working Group. Federal Minister of Interior Affairs Johan Vande Lanotte (SP – socialist party) mentioned, for instance, that *'in the Netherlands, the negative consequences of legalization are often regretted'.*

Eventually, after almost 2 years of expert hearings and some working visits, the opinions and statements of the experts and members of the government were integrated into a draft of the final conclusions and recommendations and presented to the members of the Parliamentary Working Group in order to find political support. If we perceive 'use' as simply pointing at the names of and references used by the consulted field workers and scientists, the draft of these conclusions clearly has displayed sensitivity to the views of the consulted experts. However, contributions that were more critical (e.g. representatives of interest groups, scientists) had far less impact. Here, alternative approaches, focusing on the largely unproblematic characteristic of drug use, were excluded. **Clearly, not all types of (scientific) knowledge have an equal chance of being used (i.e. selective use of knowledge).**

The draft of these final conclusions was then discussed by the parliamentary members of the Parliamentary Working Group. While the hearings of the experts were public, the working group met behind closed doors. In general, most recommendations of the final draft were followed. However, we observed that the cannabis policy was the subject of a political struggle. Members of the Parliamentary Working Group were only interested in the 'right' policy option or the option causing the 'best results'. The 'right' policy option was conceived as the option that could deal the most with their concerns regarding prevalence numbers, drug related criminality and overcrowded prisons. So, these concerns reflected their ideological positions and rested to a lesser extent on the pillars of science. The problem in understanding cannabis use and drug problems did not seem to be a lack of intelligent discourse but a plethora of it. Suddenly, members of the Parliamentary Working Group found themselves confronted with scientific studies containing contradicting findings that may be potentially relevant to their interest. **Although research really enlightened the cannabis policy debate, it was not decisive because of opinion differences between stakeholders about policy goals. The debate about the ends of policies was inherently political.** One clear example is the adaptation of the recommendation regarding cannabis policy. While the final draft (based on the expert hearings) recommended a *de facto depenalisation* of cannabis possession for personal use (i.e. this involves maintenance of criminal penalties in the criminal law without any application in practice), the final conclusions and recommendations weakened the original message. The final report of the parliamentary working group recommended a distinction between possession of cannabis for personal use and possession of other illegal drugs. The possession of cannabis for personal use remained an offence, receiving the lowest prosecution priority. In other words, the possession of a consumer quantity of cannabis by a non-problem drug user who caused no public nuisance was to receive the lowest priority. Members of the conservative parties took the lead to replace the phrasing *'de facto depenalisation'* by *'lowest prosecution priority'* to avoid discussion about the (anti-) prohibition of drug use as well as any comparisons with the Dutch drug policy of tolerance.

*3.2 Parliamentary discussions: 1997-2000*

After the Parliamentary Working Group, the political attention to the drug issue decreased due to several contextual elements. The subject of drugs was overshadowed by the **Dutroux case** from 1998 and the resulting focus on reforms of the judicial authorities and the police ('**Octopus reforms**'). Besides, in 1999, Belgian voters rejected the longstanding coalition government of Christian Democrats and Socialists and voted into power a coalition led by Flemish Liberal Leader Guy Verhofstadt. The **first Verhofstadt government** (1999-2003) was a *six-party coalition* between the Flemish and Francophone Liberals, Socialists, and Greens. The new Prime Minister aimed for a 'clean break with history'. In the *1999 Federal Government Policy Statement*, put forward by the new Prime Minister G. Verhofstadt (VLD – liberal party), in the House of Representatives, the drugs issue (mentioned under the section 'ethical topics') was one of the main concerns. Considering scientific research of paramount importance, the Verhofstadt I government, for instance, commissioned in 2000 an *'evaluation research'* of the implementation of the final conclusions of the Parliamentary Working Group (cf. Infra).

Nevertheless, the cannabis issue still seeped into the discourse of the following parliamentary debates. In seeking to further explore the intersections between science and policy, we investigated the ways in which scientific knowledge was publicly used or regarded by members of the parliament (*'symbolic agenda'*).[1] A parliamentary debate is a game between the majority and the opposition with the last group often (even desperately) searching for resources supporting their case. MPs in an oppositional position frequently made use of their competence to monitor and control the activities of the government. In general, the use of science was the largest among bills and resolutions. Interest in the scientific support of their points of view is linked with their aim to increase their credibility. Those who submitted a bill or resolution clearly pointed at their aim to take into account the progress in knowledge. For example, two MP's stated in their submitted bill: '*It is our intention to reach a coherent policy based on objective scientific research, independent of ideologies […] Moreover, the claim that cannabis use causes loss of motivation is disproven by recent scientific research'.*

Footnote references and a bibliography were mostly included. However, when we looked at these footnotes in bills and resolutions in detail, it is clear that these references sometimes were incomplete (wrong order, no author, no place of publication, no page numbers, etc.) or out-of-date. Although the large number of footnote references can be declared by the fact that a bill or resolution has to be concise (Van der Hulst, 2010), these footnotes also revealed that the complete, final reports of those studies were not consulted in detail and that the internet was an important source in the search for supporting research. For instance, some MP's supported their argumentation with a footnote reference: '*(Footnote): VAD, Synthesis*

[1] In the literature there is a distinction between two types agendas: the substantive agenda and the symbolic agenda. The substantive agenda deals with law making, budgetary allocations, sanctioning, nominations, and so on. In contrast, symbolic agendas have no real policy consequences (Walgrave e.a., 2008).

*report, 1999-2000. See www.vad.be/aktueel/persteksten.html for more info'.* This finding is maybe in accordance with Ritter (2009) who found that the third most frequently mentioned source used by policy makers was the internet (notably "Google" and websites of national research centres).

Clearly, science was not the only legitimate and proper basis for policy making. Values, self-interest and power also played substantive roles. The parliamentary debates involved questions of power in processes of problem definition and perceptions of the strategies needed at the heart of policy elaboration. Members of parliament were claiming legitimacy for their political actions. In order to enhance their own position **research was used selectively by different political parties (opposition versus majority)** to silence the arguments of the opposition or to support ideas that the policy makers have adopted earlier. Arguments were related to the (negative/positive) consequences of policy options or the prevalence data of cannabis use, the links between drug use and criminality, the usefulness of the stepping stone theory, etc. Linked with the models of knowledge utilization, expertise was used in a political way: to support or justify pre-existing preferences or actions. Scientific knowledge used included statistical numbers (i.e. prison statistics, epidemiological data, opinion survey), reports of international organizations (e.g. EMCDDA, WHO) or conclusions of commissions (e.g. British Wooton Commission (1969), Canadian LeDain Commission (1970), Dutch Baan Commission (1972), American Shafer Commission (1972), Commission of the Australian Government (1977), French Roques commission (1997), …). For instance, some MP's argued in their law proposition that '*according to the Roques report, the vast majority of cannabis users uses cannabis sporadically and is able to quit completely without a hassle. In addition, the report shows that less than 10% of hardcore cannabis users experience difficulties quitting cannabis, if desired'.*

In Europe, a range of responses had been developed and these approaches ranged from the tolerant policy in the Netherlands to strict prohibition in Sweden. The strategy to project the effects of depenalisation, decriminalisation or legalisation of cannabis on the basis of analogies to experiences of other places was commonly used. Here, MacCoun and Reuter (1997) pointed to the danger of '*policy platonism*', treating policy regimes as ideal types. For instance, it was stated by some MP's that *'if we depenalise cannabis possession, the demand will increase. That is obvious. The situation in the Netherlands confirms this'*. Other MP's referred to the actual policy of Sweden and Finland: *'In these countries, there is a rather repressive drug policy. At the same time, it is found that measures that are too strict overreach their aim'*.

In the parliamentary discussion between 1997-2000, **politics** clearly played an important role. Since the concept *de facto depenalisation* was replaced by the *lowest prosecution priority for cannabis possession for personal use,* MPs unclearly referred to the liberalization of cannabis as a *de jure depenalisation*, a *decriminalisation* and even a *legalisation*. This appeared to open up debate amongst MPs, the media and

the public about whether cannabis possession would remain illegal under the proposed system. The opposition frequently used 'decriminalisation' and 'legalisation', and said that the government scheme would 'allow' possession and cultivation of cannabis. While the government tried to avoid the terminology, one of the primary talking-points of the Federal Minister of Justice during this time involved clarifying that the Belgian government was not talking about the legalisation of cannabis use. Over the months of the parliamentary debate, the use of similar political tactics continued. Discourses involved attempts to enhance the credibility of the opinions or sources offered, even if the quality of the information provided was weak. MPs and representatives of the government relied on their personal opinions or experiences, more often than on scientific knowledge. In the discourse, we observed concepts like *'personally'*, *'I know'*, *'according to me'*, *'it is my opinion that'*, etc. Many members of the parliament also made use of rather extravagant vocabulary and metaphors to support their argumentation or to name each other. For instance, a MP of the radical right wing party Vlaams Blok described *'science as opium of the people'*, a statement linked with a famous account made by Marx. An appeal to emotions was another important tactic and involved inciting emotions in people in order to persuade them that a particular statement or argument was true or false, not taking into account the scientific evidence. In some discourses, emotions were emphasized by frequently linking drug use with committing suicide, HIV, death and criminal organizations. Cannabis use was also often presented as the 'enemy' of society, of which young people can become victims. A MP stated: *'As the taboo will be removed, a lot of young people will experiment. Because of this, we could end up like the Netherlands, which counts 700.000 to one million regular cannabis users.'* Furthermore, a lot of members of the Parliament spoke from their position as a MP and complemented this with their other roles. For instance, participants made references to their role as a doctor, as a parent, as a field worker (e.g. health worker, leader of a youth movement or animator), as a mayor or as a member of the Council of Europe. Here, it was even stated that the expertise as a parent was equally important as the expertise of a scientist. *'You do not need to be a scientist or psychologist in order to know this . More important, I am a parent and my children are around 20 years old.'* Finally, some efforts were made to discredit scientists or MPs personally, rather than by challenging scientific results. By criticizing their role and credibility, they attempted to increase the credibility of their own assumptions and to counter the arguments of their opponents. For instance, a member of the green party, Mr. Jef Tavernier, was the object of some personal insults: *'Mr Tavernier has his head in the clouds. These clouds are rather green because of his cannabis use'*.

### *3.3 First national drug strategy (2001)*

In 2001, the recommendations and guidelines proposed by the Parliamentary Working Group were translated by the executive power into a policy document. Accordingly, we were able to get an idea of the way in which scientific knowledge entered the governmental discussion ('*substantive agenda*').

A federal working group, including (representatives of) the Federal Ministers of Justice, Interior Affairs, Social Affairs, Economic Affairs and Public Health, was charged with drawing up a draft of a Federal Drug Policy Note taking into account, amongst others, the drug policies of surrounding countries. Some drug policy advisors of these countries (i.e. the Netherlands, Germany, Luxembourg) were therefore invited to the federal working group drug policy. The federal working group also received the main policy documents regarding drug policy in each country. These documents included some general statements about drug use and its consequences on public opinion, prevalence numbers, etc. Thus, drug policy experiences (related to prevention, harm reduction, assistance, re-integration and enforcement (with special attention to the cannabis policy)) in each country were compared. The federal working group linked the efficiency of each policy option with some statistical numbers of the EMCDDA as the prevalence rates were perceived as the best standard. It was remarkable that the interest in statistical numbers was only related to problematic drug use, drug deaths, infection diseases and police arrests. Again (similar to the Parliamentary Working Group), the 'right' policy option was conceived as the option that could deal the most with their concerns about prevalence rates, overdoses, drug related criminality and overcrowded prisons. Although the prevalence rates were presented in a correct way, those statistical numbers were accompanied with an interpretation of their level (low, high, moderate). However, such direct comparisons between national policies cannot be made because these data are affected by differences in definition and statistical units (persons, offences, and arrests) and changing drug policies or laws.

Eventually, the Federal Drug Policy Note consisted of three distinguishable parts. The first part captured the recommendations of Parliamentary Working Group. The second part of the Note described the actual state of the drug problem and captured those recommendations which already had been realized by the time the Note was created. What had actually already been realized followed roughly the conclusions of the *'evaluation research'* conducted in 2000. In this respect, the Federal Drug Policy Note was a revision and completion of the evaluation research. Many wordings of the research report were copied into the Note. Even the statements that were not supported by scientific knowledge were included. For instance, statements about the percentage of problematic use and the extent of poly drug use among the general population. As this (policy funded) evaluation research gave direction to the Belgian drug policy (cannabis policy in particular), and finally led to action/implementation, we found an example of **instrumental knowledge utilization (i.e. utilization as an outcome)**.

The third part contained several action points. For instance, the federal government planned to amend the Belgian Narcotic Drug Law of 1921. The modalities had to be outlined in Royal Decrees. In line with these, the Minister of Justice and the Board of Prosecutors General had the task to issue a new Ministerial Circular. It was recommended that the guidelines of the cannabis policy should meet the objection of the *'evaluation research'* that there was a lack of uniformity in the prosecution of cannabis use by different public prosecutor's offices. This was, among others, attributed to too vague notions such as 'social

nuisance' and 'problematic use' and 'quantity for personal use'. However, we observed an important shortcoming in attempting to meet this deficiency. The vagueness of the notions in the Federal Drug Policy Note was not solved at all. Again, they remained too blurry and open for interpretation of prevention workers, social workers, and the general public and the cannabis users. **Here, we noted a rather symbolic usage: within the government report there was a reference to the governments' investment in the research, by way of demonstrating commitment and responsiveness.**

*3.4 Cannabis law reform (2002-2003)*

As part of the implementation of the 2001 Federal Drug Policy Note, on 21th June 2002, a bill was submitted by the government and sent over to the parliament. Although the debate largely focused on juridical-technical issues, the drug law reform also involved sifting through multiple versions of evidence.

Again, several experts were invited to contribute to the debate. Similar with the Parliamentary Working Group, these experts included scientists (5), field workers (16) and representatives of an interest group (3) (i.e. Parents against drugs). The expert hearings in the commission of Public Health (2002-2003) once more introduced a long (political) discussion with several contradicting points of view regarding which option would fit with the real circumstances best. The debate about cannabis policy consequently came down to whether we should continue the *de facto depenalisation* of personal cannabis possession, or whether we should formalize current practice by legislating to remove criminal penalties for personal possession. At that time, the chances of a thorough liberalization of cannabis policy were already receded for a number of reasons. First, international drug control treaties still severely restricted the available policy options by excluding any form of a legal cannabis market. Secondly, the discussion about the cannabis policy took into account another amount of scientific research, approaching cannabis from a new angle. This research concerned harmfulness of cannabis, THC level, the connection between cannabis use and psychiatric disorders (e.g. depression, schizophrenia,…), cannabis dependence, etc. However, this larger focus on the *harmfulness cannabis* (linked with schizophrenia, the higher % of THC, etc.) and the attention to the correlation between early and regular cannabis use and the risk of developing schizophrenia, depression or other psychotic disorders came rather late. As the first studies about this association date back from the beginning of the 1970s with an increasing predominance of neurobiological research from 1995 onwards (Vuillaume, 2008), it is rather remarkable that these elements were only integrated in the Belgian debate after 2002. At the same time, the 'precautionary principle' was introduced and integrated in the discussion. The precautionary principle entails that in order to intervene to limit a risk, no full scientific knowledge of that risk is needed. This means that if there is a chance of irreversible damage, a lack of full scientific proof may not be used to postpone measures. Thus, the persuasive burden in these parliamentary debates was accordingly higher for advocates of cannabis law reform: they

had to persuade the community that it is possible to change the law without increasing cannabis use and harm.

The bill was adopted only a few days before the federal parliamentary elections on May 18th 2003. As a result, it was no surprise that politicians were concerned about how their decisions and actions were viewed by potential voters at the next election. The attention paid to the elections shows that MPs really attach importance to their future electability. This is, of course, linked with obtaining high levels of support for the cannabis policy option from the public opinion. During the election campaign, the majority stated that the new legislation was more stringent than the previous version. The oppositional Christian-Democratic Party stated that the Federal Government had made the legislation too tolerant and that it encouraged people to use drugs (Gelders & Van Mierlo, 2004). Clearly, actions or decisions often originate from self-interest in attaining greater authority, a higher position or favoring certain electorates. Within this framework, ideology ensured that research evidence was selectively cited in the debate about the cannabis law reform. Each "side" again highlighted different sets of harms to highlight the negative elements of the position of which they disapprove while discounting the positive ones. Supporters of prohibition focused on the harms caused by cannabis use. The evidence that cannabis use can adversely affect the mental health (e.g. depression, schizophrenia,…) of some adolescents and young adults has been seen as undermining the simplest argument: that cannabis causes no harm. Scientific results that contradict policy interests were ignored. For instance, they ignored the social costs of prohibition and survey results that had failed to find a larger increase in rates of cannabis use in states that had decriminalized cannabis. Instead, they appealed to the "common sense" view that reducing penalties use must increase cannabis use.

## 4 Role of the media

The media has an important function in political and societal discussions. As illegal drugs are clearly newsworthy, the role of the media can be a significant one. It is an institution that helps to shape not only the policy agenda of problems but also the political response to them (Devos e.a., 2010). In other words, media are assumed to play an integral role in shaping policy making (Hall, 1997; Lenton, 2004; Hall, 2009).

Already since the Parliamentary Working Group, the topic 'drugs' received a lot of media attention. The media **simplified the complexity** of the discussion in the Parliamentary Working Group to one element: cannabis policy. From a report of more than thousand pages, only one topic was selected. Moreover, the media representations affected the policy makers' understanding and the public's understanding of the cannabis debate. The media may tell us what to think or not to think about (Wolfsfeld, 2011). As the number of news reports on the cannabis issue was rather high during 1996-2003, this source frequently

triggered MPs to ask questions to the minister in charge or to place topics on the political agenda. In other words, the parliamentary debate was quite clearly and strongly led by media content (Walgrave e.a., 2008). For instance, a question of a MP started with *'I was completely surprised by the messages spread by the media this week. As a result of a few studies, – about which I have my doubts as well – your Ministry proposed selling cannabis at pharmacies as of 2004. Now, my question is....'.*

Even the governmental debate was influenced by the media. Shortly before the presentation of the Federal Drug Policy Note by the Federal Government, a lot of confusion about the cannabis policy arose. First, in November 2000, senator Frans Lozie (AGALEV – green party) caused a sensation by arguing in favor of legalizing 'hard' drugs. Although the senator was criticized by several political parties as well as by his own party and the Federal Minister of Public Health, Mrs. Aelvoet (AGALEV – green party), a letter leaked to a newspaper showing that Minister Magda Aelvoet actually agreed with the senator. At the same time, some preliminary versions of the Federal Drug Policy Note were leaked to the press. As a result, positive and negative elements were discussed in the media before the Note was officially launched. In reaction to the media debate, the competent ministers (Federal Minister of Justice Marc Verwilghen (VLD – liberal party) and Federal Minister of Public Health Magda Aelvoet (AGALEV – green party)) caused confusion about whether and when the possession of cannabis would be legal and what would be the legal consequences for the possession of cannabis. (Gelders & Vander Laenen, 2007). Of course, this confusing communication was enlarged by the media. These representations created a 'moral panic' among the public and sent wrong or confusing signals (towards youth). In their ability to exclude nuanced policy options from the media, policy makers and the public were invited to believe that they had to take sides in the cannabis debate: either cannabis use is harmless (or at least less harmful than alcohol), hence it should be decriminalized (if not legalized); or cannabis is harmful to health, and therefore its use should remain prohibited.

The media framings also **affected the relevance and value of research evidence to the debate**. The media frequently acted as a source of police statistics, emergency cases, inter(national) cannabis prevalence rates and other (scientific) knowledge. Using the media may be an important part of disseminating drug policy research in an attempt to make drug policy more 'evidence-based' (Lenton, 2004). In analyzing the parliamentary and governmental documents, we found some references to scientific reports as well as statements of some experts (i.e. field workers and scientists) presented in the media. Although the media may inform the public and the policy makers about the existence of a certain expertise, the report of findings or the citation of experts was often wrong or blunt. For instance, although several experts agreed in the Parliamentary Working Group that the number of drug users among detainees raised from 1-1,5% in 1970 to 40% in 1996, the media reported *'In this way, the number of people in prison for drug related crimes has risen from 1% in 1970 to over 50% as of today'.*

Of course, by using the media as a source of scientific findings or expert knowledge, one can never be sure whether the results are presented correctly or wrongly in the media (Skolnikoff, 1999). The statements may be perceived as an artefact of the way the media handles the issue rather than a true reflection of the scientific results. However, members of the parliament or government did not question the correct interpretation by the media, they did not even take into account the original source. For instance, a MP referred to an article in the newspaper: *'that article refers to a study carried out by American and Australian researchers. According to them, drug or alcohol dependency is not related to the current family situation or the genes. The researchers also claim that the initial age of marihuana use is not of any significance. From these objective data, we can derive that cannabis is all but harmless'.*

Another example in which the media simplifies the value of 'good' scientific evidence, is called *'media advocacy'* (Wolfsfeld, 2011). Media *as such* seems to be an important resource in supporting assumptions or ideas. In other words, media is used strategically to promote or to advance a certain policy initiative. As MPs as well as representatives of the government do acknowledge the emotional tone of the media, they frequently used these 'non-rational' arguments in supporting their view (e.g. against legalisation). For example, Minister of Interior Affairs Johan Vande Lanotte (SP – socialist party) used a newspaper article as a single source for his statements about the drug policy in the United States. He stated: '*the following data are largely copied from the article of the fairly renowned 'Pino Arlachchi' in 'L'espresso' of 16 April 1996'.*

Nevertheless, in general, the media as a source is most frequently used by MPs in an oppositional position. They used the media in order to support their assumptions about the prevalence and risks of cannabis use, the medical use of cannabis and the consequences of the cannabis prosecution policy. Even a journalist of a Belgian magazine was cited and perceived as a kind of 'expert': *'We totally agree with a journalist who states the following in Knack (a Belgian magazine): The problem with the circular letter is the lack of clear distinction between the use and possession of cannabis. You can be high but you cannot carry around cannabis'.*

## 5 Conclusions

Ideally, developing and implementing policy is a deliberative process in which all the information and arguments that are relevant to the issue are equally treated. However, in reality it often falls short of this ideal. Policy debates are often simplified with evidence of harm caused by cannabis use and international drug control treaties taken as supporting current prohibitive policy (Hall & Lynskey, 2009). Anti-drug policy has also been firmly planted in the soil of fear with the media playing a crucial role (Boland, 2008).

Research contributed to the Belgian debate by clarifying factual issues, identifying options for interventions, evaluating the effects of current policies and changing conceptual understandings of the problems that policy is designed to address. First of all, there has been a scientific input by inviting several scientists to the hearings of the Parliamentary Working Group on drugs. Secondly, during the parliamentary debate, several MPs based their questions, interpellations, resolutions or bills on scientific findings or statements of scientists. For instance, the resubmission of adapted bills was based on more (recent) scientific findings and the submission of amendments was supported by a lot of research/statistics. Thirdly, we observed use of scientific research in the development of the first Belgian drug strategy by the Federal government. Further, experts were also invited to contribute to the debate in the commission of Public Health (Chamber of Representatives) regarding the bill submitted by the government in 2002. In general, it appears that scientific knowledge is most actively taken up within policy processes, such as where evidence is given in inquiries, questions or submissions ('symbolic agenda'). It occurs less in policy outcomes ('substantive agenda'). This is in line with some knowledge utilization models (e.g. enlightenment model, evolutionary model, processual model) which apply an understanding of the relationship between science and policy where evidence plays a role in the process of decision-making and not just in the outcome of policy formulation.

We found more evidence to support some types of research utilization. We observed *instrumental use* of the 'evaluation research' in the development and implementation of the first national drug strategy. Scientific knowledge also contributed to an overall *'enlightenment'* in bringing together a substantial body of knowledge about the drug phenomenon in the two formal advisory structures (i.e. the Parliamentary Working Group and the debate in the commission of Public Health). Most of the time, we noted *symbolic/political utilization*. Scientific knowledge was often used selectively by different actors to support competing policies. The reality for researchers is that their research will be used by politicians to support their arguments when the research findings are consistent with their beliefs and will be ignored or criticized when the research suggests a contrary policy position.

Moreover, it also became clear that evidence is not the only player in the policy making process. A number of factors were decisive. Firstly, Belgium is a signatory to *international control treaties* of the UN that prohibit the legalisation of cannabis production, sale and use. These treaties were strongly supported by the international community and the United States. Thus, the role that scientific knowledge could play was already constrained from the beginning. Secondly, the media can set the agenda and define public interest and seep into political debate and decision making. *Media framing* of the drug policy clearly encouraged the selective appeal on evidence about the (negative) effects of cannabis. Thus, we cannot only attribute the blame for the misuse or misrepresentation of evidence on policy makers and scientists. Thirdly, *individual value systems* and *ideologies* played an important role. It influenced the type of interests the members of the parliament or government developed and the type of information they gathered and

approved. The debate can be perceived as an ideological struggle between prohibitionists and anti-prohibitionists, based on ‘power’ relations. Political discourse knowingly misrepresented the facts for political ends. Recorded speech acts or arguments were used to enact power, and hence also to exercise and to reproduce dominance. The language reflected certain values even though they attempted to appear neutral. In analyzing the parliamentary debate, we acknowledged power mechanisms. Terminology and emotion played an important role in the cannabis debate. From the start, MPs unclearly referred to the liberalization of cannabis as a de jure depenalisation, a decriminalisation and even a legalisation. This appeared to open up the debate amongst MPs, the media and the public about whether cannabis possession would remain illegal under the proposed system. Many members of the parliament also made use of rather extravagant vocabulary and metaphors. Drug policy clearly is a perfect example of a complex social domain driven by highly emotional arguments.

So far, we have been using an analysis of parliamentary and governmental documents to support preliminary claims about the relationship between science and policy. This paper does not have the goal to cover the topic exhaustively. In analyzing these documents, we are aware of some pitfalls and limitations. For instance, policy makers know that they always talk ‘for the record’ and that the press is keeping an eye on them. Critical statements or discussions are therefore commonly omitted in these documents. Furthermore, we are aware that the absence of a reference in a document does not simply imply that a particular research is not used. Finally, some of many notable elements that we want to further elaborate in the following phases are: the importance for interest groups and the media in regard to producing facts, findings or recommendations as well as the influence of (more) informal contacts between experts and policy makers. For example, we believe that the selection and involvement of experts (e.g. in the Parliamentary Working Group) may be used to enact power, and likewise also to exercise and to reproduce dominance. By means of interviews we want to elaborate whether more care was given to ideological balance than to the search for answers.

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